

## **SPECIAL EXCEPTION APPLICATION CHECKLIST**

- \_\_\_ 1. Complete **application** with notarized signatures. (See Page 1)
- \_\_\_ 2. Obtain **notarized signature of property owner(s)**, if other than applicant.  
(See Page 5)
- \_\_\_ 3. If you are an attorney representing the owner, complete Authorization by Attorney.  
(See Page 6)
- \_\_\_ 4. Attach plat of survey or written legal description in metes and bounds. **Application will be returned if survey or legal description in metes and bounds is not provided.**
- \_\_\_ 5. Provide **site plan(s)**: All site plans must be to a scale no smaller than 1 inch = 30 feet. **If the "to scale" site plan is 8 ½" x 11, submit 1 copy. If it is larger than 8 ½" x 11", submit 8 folded copies.** Site plans should show all existing and proposed conditions (see p. 3, item No. 2). Elevations are required for wall and fence special exceptions.
- \_\_\_ 6. Write **justification** based on criteria outlined in application form. (See Pages 3-4)
- \_\_\_ 7. Obtain **Referral Certificate** for completed application from Bureau of Buildings Zoning Enforcement desk BEFORE filing with the Bureau of Planning.
- \_\_\_ 8. File **application** with Bureau of Planning.
- \_\_\_ 9. Pay **fee** - See application for amount due. Make check payable to "City of Atlanta". Application will not be accepted without the fee. (See Page 7)
- \_\_\_ 10. Obtain copy of the **Notice to the Applicant** regarding the Board of Zoning Adjustment (BZA) hearing date, the NPU contact person and the NPU meeting date.
- \_\_\_ 11. Obtain **public notice sign** and post it at least 15 days prior to the hearing. (See Page 2)
- \_\_\_ 12. Contact **NPU** representative and attend necessary neighborhood and NPU meetings.
- \_\_\_ 13. Attend Board of Zoning Adjustment (BZA) **public hearing** on the scheduled date.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**APPLICATIONS ARE ACCEPTED DURING NORMAL DESK HOURS  
MONDAY FROM 8:30AM – 1:00PM  
TUESDAY-THURSDAY FROM 8:30AM – 3:00PM**

**ON THE LAST DAY OF THE APPLICATION PERIOD ("CLOSING DAY"), APPLICANTS MUST SIGN IN AT THE BUREAU OF PLANNING BY 2:00 P.M. TO ENSURE PROCESSING AND SCHEDULING FOR THE CORRESPONDING PUBLIC HEARING DATE. (SEE ATTACHED PUBLIC HEARING SCHEDULE).**

# APPLICATION FOR SPECIAL EXCEPTION

## City of Atlanta

Date Filed \_\_\_\_\_ Application Number \_\_\_\_\_

Name of Applicant \_\_\_\_\_ Daytime Phone \_\_\_\_\_

Company Name \_\_\_\_\_ email \_\_\_\_\_

Address \_\_\_\_\_  
street city state zip code

Name of Property Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
street city state zip code

### Description of Property

Address of Property \_\_\_\_\_ **OR**

The subject property fronts \_\_\_\_\_ feet on the \_\_\_\_\_ side of  
\_\_\_\_\_ beginning \_\_\_\_\_ feet from the  
\_\_\_\_\_ corner of \_\_\_\_\_.

Depth: \_\_\_\_ Area: \_\_\_\_ Land Lot: \_\_\_\_ District: \_\_\_\_\_, \_\_\_\_\_ County, GA.

Property is zoned: \_\_\_\_\_, Council District: \_\_\_\_\_, Neighborhood Planning Unit: \_\_\_\_\_

TO THE BOARD OF ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustment grant a Special Exception.

I hereby authorize the staff of the Bureau of Planning to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Bureau of Planning upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before Me This \_\_\_\_ Day Of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Owner or Agent for Owner (Applicant)

\_\_\_\_\_  
NAME OF APPLICANT IN PRINTED LETTERS

\_\_\_\_\_  
NOTARY PUBLIC

**Summary of proposed construction changes to buildings or site.** (Examples:  
“Convert a 100’ x 200’ retail space into a restaurant.” “Install a 6-foot high opaque wooden wall  
(‘privacy fence’ with 6-foot high opaque wall gates.”) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposed Lot Coverage (After Construction)** Calculate total amount of lot coverage on  
entire property, after proposed construction would be finished, including existing and proposed  
buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything  
except natural planted or undisturbed areas.

\_\_\_\_\_ covered square feet / \_\_\_\_\_ total lot square feet = \_\_\_\_\_% proposed lot coverage  
\_\_\_\_\_ % maximum allowed lot coverage

**(For Parking Special Exceptions Only)** List the maximum number of employees who will  
park on the site at any given time: \_\_\_\_\_ AND  
List the maximum estimated number of customers, clients, visitors, or similar persons who will require  
automobile parking in connection with the facility on the site at any given time: \_\_\_\_\_.  
**If you propose to provide off-site parking, see the attached Standards for Off-site Parking  
Agreements (p. 8).**

### **Special Exception Procedures**

Special exception applications are heard and decided at a regularly-scheduled public hearing by the  
five-member City of Atlanta Board of Zoning Adjustment (“BZA”). The Bureau of Planning serves as  
staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your  
application. All inquiries regarding your application should be directed to this office at (404) 330-6145.  
The rules of the BZA prevent BZA members from discussing the merits of any case except during the  
public hearing for that case.

**Schedule.** There are two closing dates and two public hearings per month. The schedule allows time  
for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The  
schedule of closing and public hearing dates is attached.

**Neighborhood and NPU Recommendations.** The City is divided into 24 Neighborhood Planning  
Units (NPUs), each of which has a volunteer citizen advisory committee that makes a recommendation  
to the BZA on special exceptions. When you file your application, you will be notified of the NPU  
contact person and that you must schedule a meeting with that NPU in order to explain what you wish  
to do. You may be requested to attend additional neighborhood meetings; inquire about the time and  
place of those meetings. The applicant is expected to contact the NPU as soon as possible after the  
application is filed. The Bureau of Planning will send a copy of your application to the appropriate  
NPU during the week after the closing date for your application.

**Public Notice.** When you file your application, it will be scheduled for a public hearing. The Bureau  
of Planning will initiate posting of public notice (“an advertisement”, “a legal ad”) for this public  
hearing so that the public is informed at least 15 days before the date of the public hearing:

- by sending written notice of your application to all property owners whose property is within 300  
feet of the subject property, and
- by causing public notice to be placed in the newspaper.

***You are responsible for obtaining a public notice sign when you file your application with the Bureau  
of Planning, and for posting it in a visible location on your property, at least 15 days prior to your  
public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your  
case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30  
or more days after the original hearing.***

**Refunds on Withdrawn Cases.** Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

**Staff Recommendation.** Bureau of Planning staff reviews and makes written recommendations to the BZA on each variance application. You may contact your assigned planner at (404) 330-6145 on the day of the public hearing if you wish to know staff's recommendation.

**Public Hearing Presentation.** Each applicant or representative of the applicant must appear and present the case before the BZA at the scheduled public hearing, or request a deferral in writing prior to the public hearing. The party representing the application is allowed a total of ten minutes to present the application. A portion of this time may be saved for rebuttal to any objections to the special exception. You may choose to bring exhibits such as enlarged site plans; this is not required but is purely at your discretion. Any exhibits that are filed with the City at the hearing should be capable of being stored in the 11" x 17" City file, so please do not permanently affix exhibits to a stiff backing.

**BZA Decision.** Before granting any application for a special exception, the BZA must enter the facts of the case into the record at the public hearing, and must base the decision on applicable criteria listed in the Zoning Ordinance. The City Council does not make decisions regarding applications that come before the BZA.

### **Special Exception Application Instructions**

1) Your Special Exception application should be clearly printed or typewritten and all signatures on the application must be notarized.

2) Each application must contain a legal description of the subject property (metes and bounds or a recent plat of survey), complete site plan (s) of your property, and a written justification (see criteria below) for the Special Exception(s) that are requested. All site plans must be to a scale no smaller than 1 inch = 30 feet. If the "to scale" site plan is 8 ½" x 11, submit 1 copy. If it is larger than 8 ½" x 11", submit 8 copies. The site plan should clearly indicate existing conditions and proposed changes to buildings or the site, including location of buildings, walls and fences, parking spaces, and trees. Elevations are required for wall or fence special exceptions.

3) The proper fee must accompany your application at the time of filing. Checks must be made payable to City of Atlanta. The application fee schedule is attached for your information.

4) Each Special Exception application must be accompanied by a Referral Certificate. This Referral Certificate describes the Special Exception you are requesting and is obtained from the Zoning Enforcement Division, Bureau of Buildings, Suite 3900, 3rd Floor City Hall, Atlanta, GA, (404) 330-6175.

5) If you do not own the subject property, the owner must sign the Notarized Authorization by Property Owner (form included) which authorizes you to file this application. If more than one property owners are involved, each owner should sign a separate authorization.

6) If you choose to be represented by an attorney, the attorney should sign the Authorization of Attorney (form included).

7) The Board may attach conditions and safeguards concerning fencing, screening, or other buffering and such other matters as are reasonably required to assure the tranquility of the neighborhood.

8) Specific criteria for Board approval of special exceptions are included below for your information. Your written justification should address these criteria. Please submit a typewritten justification.

#### CHURCHES ON LOTS OF LESS THAN ONE ACRE

1. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in 1. above.
3. Refuse and service areas.
4. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
5. Hours and manner of operations.
6. Length of time regarding the duration of such permit, if any.
7. Required yards and other open spaces.

**PARKING.** The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any district when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot. If you propose to provide off-site parking spaces, please see the attached Standards for Off-site Parking Agreements (p. 8).

**WALLS AND FENCES.** Any request for walls or fences should include:

1. a site plan showing the full extent of the wall or fence; and
2. a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

The Board of Zoning Adjustment may grant Special Exceptions in any district for greater heights of walls and fences only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or,
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

**ACTIVE RECREATION FACILITIES:** The BZA may grant a Special Exception to permit active recreation in yards adjacent to streets in residential districts only upon finding that:

1. The location will not be objectionable to occupants of a neighboring property or the neighborhood in general by reason of noise, lights or concentration of persons or vehicular traffic; and
2. The area for such activity could not reasonably be located elsewhere on the lot.

In some cases, applications for a swimming pool or tennis court adjacent to a street may also need a Special Exception for a wall or fence. This should be verified with the Zoning Enforcement Division of the Bureau of Buildings prior to making application.

**SATELLITE DISHES:** The BZA may permit satellite receiving dish antennae to be erected in any yard, (required or other), or attached to the primary or an accessory structure. However, such Special Exception shall be granted only upon finding that the location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of visual unsightliness, potential hazard to pedestrian or vehicular traffic movement, or the obstruction of light or air to adjoining properties; and the equipment could not reasonably be located elsewhere on the lot. However, a problem related solely to signal reception standards shall not be considered sufficient grounds for granting relief under this paragraph.

**NONCONFORMING USES AND STRUCTURES:** See Section 16-24.001 through Section 16-24.007 of the City of Atlanta Zoning Ordinance and the following subsections:

1. Expansion of nonconforming uses or structures or of major structures and premises in combination: See Section 16-24.005(i).
2. Replacement or reconstruction of a destroyed major structure containing a nonconforming use: See Section 16-24.005(6)(b).
3. Expansion of a nonconforming use in R-4 (Single-Family Residential) and R-5 (Two-Family Residential) districts: See Section 16-24.005(7)(a).

**NOTARIZED AUTHORIZATION BY PROPERTY OWNER**  
(Required only if **applicant is not the owner** of the property subject to the application)

TYPE OF APPLICATION \_\_\_\_\_

I, \_\_\_\_\_ (OWNER(S) NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT \_\_\_\_\_  
\_\_\_\_\_ (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF \_\_\_\_\_ COUNTY, GEORGIA WHICH  
IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I

AUTHORIZE THE PERSON NAMED BELOW TO ACT AS THE APPLICANT  
IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

Personally Appeared  
Before Me

\_\_\_\_\_  
Who Swears That The  
Information Contained  
In This Authorization  
Is True and Correct To  
The Best of His or Her  
Knowledge and Belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

**AUTHORIZATION OF ATTORNEY**  
(Required Only if the Owner is Represented by an Attorney)

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY

STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER

I SWEAR, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED  
BY THE OWNER TO FILE THE ATTACHED APPLICATION.

\_\_\_\_\_  
SIGNATURE OF ATTORNEY

## FEE SCHEDULE

### FOR APPLICATIONS TO THE CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT (BZA) FOR VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS

Fees for applications to the BZA are as follows:

- (A) **Variance applications.** Variance application fees are based on the zoning district in which the subject property is located.

<u>District</u>	<u>Fee</u>
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, R-5, LD, HD	\$100.00
RG Sectors 1-6 MR Sectors 1-8	\$500.00
R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, MRC-1, MRC-2, MRC-3, LW, NC, all SPI Districts	\$625.00

- (B) **Special Exception applications.** Special Exception application fees are based on the zoning district in which the subject property is located.

<u>District</u>	<u>Fee</u>
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, R-5, LD, HD	\$100.00
RG Sectors 1-6 MR Sectors 1-6	\$500.00
R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, MRC-1, MRC-2, MRC-3, LW, NC, all SPI Districts	\$625.00

- (C) **Deferral Fee.** Applicants/appellants requesting a deferral from a scheduled appearance before the BZA are required to pay a deferral fee which includes the cost incurred for public notice (postage fees, postcards and newspaper advertisement). The Secretary of the BZA will provide the cost which must be paid no less than 3 business days after the deferral request has been granted by the Board.

- (D) **Appeal applications.** For appeals of a decision of a City staff person, the application fee is \$250.00, without regard to the zoning district in which the subject property is located.



## **Standards for Off-site Parking Agreements**

Agreements in association with special exceptions for reduction of minimum required parking spaces and provision of off-site parking will be acceptable to the Bureau of Planning as valid if they meet the following standards (for convenience, words applicable to lease agreements are used; however any agreement must meet these standards):

1. Provide original signatures of lessee and lessor.
2. Provide current phone numbers and addresses of lessee and lessor.
3. Identify the principal property and the property on which the off-site spaces will be leased, by either of the two following methods:
  - a. Street address and outline of properties on a copy of a City of Atlanta “Cadastral” map.
  - b. Legal description in metes and bounds.
4. Include a provision that leased, off-site spaces must be used exclusively by the lessor for all persons who would otherwise use on-site parking on the principal property, in conjunction with the business, office, or other use on the principal property for which the lease is executed.
5. Include a provision in the lease that requires that the leased spaces will be demarcated, by signs and, optionally, by striping, barriers, or other means, as reserved for exclusive use by persons associated with the business, office, or other use on the principal property for which the lease is executed, and that identifies the party who will be responsible for so demarcating the spaces.
6. State the hours of the day and week during which the off-site parking spaces will be made available for use by the lessor.
7. State the term of the lease, including the expiration date. The term must be for a minimum of six months.
8. Provide signature and seal of a notary public.

In addition, applicants for special exceptions that involve off-site parking are required to provide a list of all executed agreements for the off-site parking location that are current at the time that the application is filed with the Bureau of Planning, and, for each agreement, its term, the number of parking spaces to be used, and the hours of the day during which the spaces are to be used.

**2010  
City of Atlanta  
Board of Zoning Adjustment (BZA)  
Public Hearing Schedule**

<b>Application Period*</b>	<b>Public Hearing Date</b>
October 22 – November 10, 2009	January 7, 2010
November 12 – November 18, 2009	January 14, 2010
November 19 – December 9, 2009	February 4, 2010
December 10 – December 23, 2009	February 11, 2010
December 25 – January 13, 2010	March 4, 2010
January 14 – January 27, 2010	March 11, 2010
January 28 – February 10, 2010	April 1, 2010
February 11 – February 17, 2010	April 8, 2010
February 18 – March 10, 2010	May 6, 2010
March 11 – March 24, 2010	May 13, 2010
March 25 – April 7, 2010	June 3, 2010
April 8 – April 21, 2010	June 10, 2010
April 22 – May 12, 2010	July 1, 2010
May 13 – May 19, 2010	July 8, 2010
May 20 – June 9, 2010	August 5, 2010
June 10 – June 23, 2010	August 12, 2010
June 24 – July 7, 2010	September 2, 2010
July 8 – July 21, 2010	September 9, 2010
July 22 – August 11, 2010	October 7, 2010
August 12 – August 25, 2010	October 14, 2010
August 26 – September 8, 2010	November 4, 2010
September 9 – September 22, 2010	November 11, 2010
September 23 – October 13, 2010	December 2, 2010
October 14 – October 20, 2010	December 9, 2010

**\*Applications for Variances and Special Exceptions are accepted up until 2:00 pm.**

**\*Applications for Appeals will be accepted during regular business hours**

**Monday – Friday from 8:15 am – 5:00 pm.**

Brandy N. Crawford, Urban Planner Principal and Secretary to the Board of Zoning Adjustment